

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Implementing Kari’s Law and Section 506 of	)	PS Docket No. 18-261
RAY BAUM’S Act	)	
	)	
Inquiry Concerning 911 Access, Routing, and	)	PS Docket No. 17-239
Location in Enterprise Communications	)	
Systems	)	

**COMMENTS OF HAMILTON RELAY, INC.**

Hamilton Relay, Inc. (“Hamilton”), by its counsel, hereby submits these comments in response to the *Notice of Proposed Rulemaking* (“*Notice*”) in the above-captioned proceeding regarding proposed reforms to the Commission’s emergency call handling rules, including those related to direct 911 dialing and notification rules as well as imposing rules to expand the use of dispatchable location information.<sup>1</sup>

As a provider of traditional telecommunications relay services (“TRS”), speech-to-speech (“STS”) relay, and Internet Protocol Captioned Telephone Services (“IP CTS”), and dedicated to facilitating functionally equivalent communications services to individuals with hearing and speech disabilities, Hamilton understands the vital importance of fast, direct communication with emergency services. It is for this reason that Hamilton and other TRS providers encourage TRS users to dial 911 directly where possible, rather than going through the relay system, which can cause unnecessary delay in dispatching emergency services.

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<sup>1</sup> *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, Notice of Proposed Rulemaking, FCC 18-132 (rel. Sept. 26, 2018) (“*Notice*”).

Where direct 911 dialing is not possible, such as with web-based and mobile IP CTS, the Commission's TRS rules have established a robust regime for ensuring that calls to 911 are treated with the priority and importance they should be afforded. The Commission has traditionally considered TRS issues holistically, in the omnibus TRS docket (CG Docket No. 03-123), and the Commission should not deviate from this successful practice. Many of the issues addressed in this proceeding are inapplicable to the unique environment in which TRS operates, and to the particular needs of individuals who rely on TRS. For these reasons, Hamilton believes that it is inappropriate to address TRS in this proceeding, and encourages the Commission to initiate appropriate TRS-specific emergency call handling issues in the TRS docket.

**I. The Commission Should Consider 911 Issues Related to Relay in the Omnibus Relay Docket and Not in This Proceeding**

Relay services raise unique issues that are not suited for a proceeding that is generally focused on 911 issues with non-relay communications. The Commission should defer any changes to the TRS rules concerning emergency call handling until the agency can consider these issues in the broader context of the relay ecosystem.

As a general matter, the guidance to TRS users is to dial 911 directly when possible, rather than going through the relay system.<sup>2</sup> This is because contacting a Communications Assistant ("CA") first can add critical extra time needed to reach a public safety answering point ("PSAP"), when literally every second matters.

To illustrate the additional time necessary in order to process an emergency call through relay, the following steps are required in order to process an emergency call through 711/TTY:

1. The caller connects to the TTY relay service via 711 or a toll-free number;
2. The call is answered by a CA;

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<sup>2</sup> See, e.g., Hamilton's Terms and Conditions of Service, available at <https://hamiltoncaptel.com/911.html#disclaimer> ("We strongly recommend that you use your telephone or mobile phone to call 911 directly in an emergency.")

3. The TTY user types or speaks to the CA to “Call 911” or “Call emergency”;
4. The CA transfers the call to an appropriate PSAP based on the automatic numbering information (“ANI”) received by the relay provider;
5. The CA identifies the call to the PSAP;
6. If the inbound call disconnects prior to the call connecting to the PSAP, the call from the CA will continue and all known information is passed to the PSAP;
7. If the outbound call disconnects to the PSAP, the CA will attempt to reestablish the call;
8. The CA remains on the line until the call is completed, as determined by the PSAP.

These steps are simply unnecessary when the user calls 911 directly instead. The call does not hit the relay platform, and instead the PSAP receives directly all information available from the underlying carrier. This approach applies to Traditional TRS (using TTY), STS, and IP CTS users, all of whom may dial 911 directly through their underlying voice telephony provider, which then provides applicable numbering and location information to PSAPs. Simply put, direct dialing is the fastest way for a caller to reach a PSAP with location information, as other aspects of this proceeding demonstrate (including 911 calling without using a 9 prefix). The Commission should not muddy the message to TRS users; the Commission should continue to speak with one clear voice: “Dial or text 911 when in need.” This is particularly true now that the Commission has incorporated Real-Time Text (“RTT”) into its rules, which can provide all individuals (hearing and non-hearing) with a vital real-time connection to emergency services, in a manner that does not require use of the relay system.<sup>3</sup>

In the case of web and mobile CapTel services, Hamilton explains the limitations of a 911 VoIP call and keeps the user’s registered location on file.<sup>4</sup> When such a 911 call is received,

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<sup>3</sup> *Transition from TTY to Real-Time Text Technology; Petition for Rulemaking to Update the Commission’s Rules for Access to Support the Transition from TTY to Real-Time Text Technology and Petition for Waiver of the Rules Requiring Support for TTY Technology*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 13568 (2016).

<sup>4</sup> See Hamilton CapTel, *Emergency Calling*, updated Sept. 30, 2016, <https://hamiltoncaptel.com/911.html>; 47 C.F.R. § 9.5(b).

a third party contractor prompts the user for current location, and if the caller is unresponsive, the registered location information is provided to the PSAP.

The Commission's rules reflect that relay providers are third parties to the emergency call, rather than telecommunications providers that are enabling the voice 911 call itself. Indeed, traditional TRS users must have PSTN service to make calls, irrespective of whether those calls are to 711/relay. Similarly, landline IP CTS calls are delivered to a PSAP directly just as any other PSTN call, with the CA captioning the calls through a separate, dedicated line.<sup>5</sup> These services are qualitatively different from the "technological platforms" used in the other types of services the Commission is considering in this proceeding.<sup>6</sup> In short, relay services are more akin to other rules that the Commission properly recognized "are integrated with non-911-related rules in such a way that removing the 911-related rules and transferring them to Part 9 would be cumbersome and counterproductive,"<sup>7</sup> in contrast to the other 911-related rule sections that the Commission is proposing to move to Part 9.

Recognizing the public safety benefits of delivering calls to appropriate PSAPs in the fastest way possible, Hamilton has engineered its relay services to take the 911 call out of the relay system whenever possible in order to expedite the call. Accordingly, STS, CTS, and IP CTS calls are routed to PSAPs without relay getting the call, in order to preserve the location information associated with the call for routing and responding purposes. Likewise, Hamilton

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<sup>5</sup> See, e.g., *Telecommunications Relay Services and Speech-to-Speech for Individuals with Hearing and Speech Disabilities; Waivers of ITRS Mandatory Minimum Standards*, Report and Order, Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 10697 ¶ 50 (2014) ("Throughout a CTS and IP CTS call, the CA 'is completely transparent and does not participate in the call by voicing any part of the conversation.'") (citing the *CTS Declaratory Ruling*).

<sup>6</sup> See *Notice* ¶ 51 (noting that RAY BAUM'S Act refers to 911 calls made "regardless of the technological platform used").

<sup>7</sup> *Id.* ¶ 108.

distributes equipment that has built-in features to facilitate direct 911 dialing. For example, a call to 911 on a PSTN CapTel phone sends Baudot tones, signaling to the PSAP that it should be treated like a Voice Carry Over phone call and that the operator should type back in response to the call. On landline IP CTS calls, the call goes directly to the PSAP, while the PSAP operator is still captioned.

## **II. Mandating Compliance with the Proposed Rules Would Be Extremely Costly to the TRS Fund as well as States**

From a technical standpoint, in order to comply with the proposed dispatchable location requirements, each TRS provider would need to expend substantial resources. Because these costs would be directly connected to compliance with mandatory minimum standards for TRS, providers would look to the interstate TRS Fund and states for reimbursement for these expenses.<sup>8</sup>

For example, Hamilton does not currently have a means of determining location information, let alone dispatchable location information, for its TTY and STS users. Hamilton does not generate such information when calls are made and does not have any registered location information for such users. At best, Hamilton may have on file a physical address for the user in order to send them Hamilton newsletters, or in order to save the user's physical address in the user profile, upon the request of the user. However, Hamilton has never suggested to users that such information would be used for emergency call handling purposes, or that

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<sup>8</sup> Even under a cost-based methodology, expenditures related to complying with a mandatory minimum would be an "allowable cost." *See, e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475 ¶¶ 189-90 (2004) (disallowing research and development costs that "go beyond the applicable TRS mandatory minimum standards") (emphasis added); *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618 ¶ 21 (2013).

customers should rely on Hamilton to provide their physical address information to PSAPs in an emergency. In addition, because calls made through IP CTS are generally not made on Hamilton's calling platform (web and mobile CapTel being the exception), Hamilton would need to develop entirely new pathways to inject the physical location information it collects as part of the IP CTS registration process into the call going to the PSAP.

### **III. Dispatchable Location Requirements on Relay Providers May Be Technically Infeasible, and Unreasonable in Terms of Cost**

Should the Commission impose dispatchable location requirements on relay providers, the agency must ensure that such requirements are both technically feasible and within the realm of reasonable costs. For example, the Commission should not impose a burden on relay providers to generate location information that they do not possess in the normal course of business.<sup>9</sup> Likewise, the Commission should deem Registered Location – meaning the most recent information provided by the user which identifies the user's physical location – sufficient to meet the requirements of dispatchable location information.<sup>10</sup> As noted above, Hamilton collects physical address information in the course of registering IP CTS users and, with substantial time and money, may collect physical address information from its other relay users. Even with a February 2020 implementation date, the hurdles for relay providers are so great that it could be technically infeasible to generate dispatchable location with respect to relay calls.

### **IV. Conclusion**

Hamilton shares the Commission's goal of ensuring that users reach a PSAP as soon as possible when calling 911. Hamilton applauds the Commission for taking steps to enhance the

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<sup>9</sup> Relay providers may be able to pass through location information from third-party sources.

<sup>10</sup> See *Notice* ¶ 80 (seeking comment on using existing Registered Location mechanisms to provide dispatchable location for users); 47 C.F.R. § 64.601(a)(31) (defining "Registered Location" to mean the "most recent information obtained by a VRS or IP Relay provider that identifies the physical location of an end user").

nation's emergency call handling systems, but given the unique operating environment for 911 in the relay system, Hamilton urges the Commission to address those issues separately in the general TRS docket rather than in this proceeding. The Commission should continue to encourage relay users to call 911 directly when possible, rather than going through the more time-consuming process of setting up a relay call. The Commission should also refrain from imposing unnecessary, costly, and potentially infeasible requirements on TRS providers.

Respectfully submitted,

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